

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4190 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI

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RAMESH RANA PARMAR

Versus

SENIOR ADMINISTRATIVE OFFICER

Appearance:

SERVED for Petitioner

Mr. Mukesh Patel, A.G.P. for Respondents

CORAM : MR.JUSTICE R.K.ABICHANDANI

Date of decision: 19/12/96

ORAL JUDGEMENT

The petitioner challenges the order dated 28.12.1984 deputing him to the Civil Hospital from the Paraplegia Hospital, which is also in the Civil Hospital complex. According to the petitioner, he was working as a permanent sweeper in the Paraplegia Hospital, situated in the Civil Hospital compound at Ahmedabad. By the impugned order dated 28.12.1984, he was transferred to work in a kitchen of Civil Hospital and was assigned the work of lifting and washing utensils. He joined the kitchen section of the Civil Hospital on 1.1.1985, but due to lifting big utensils and cleansing them, he developed severe back pain and therefore, he proceeded on leave on medical ground from 3.1.1985. According to him whenever he felt fit, he used to attend duties, but when the pain became unbearable, he used to remain on leave. It is submitted that as the treatment by the doctor proved to be ineffective his back-pain continued, and, from March, 1985, it became impossible for him to do the said work. On these facts, the petitioner alleges that

his transfer to kitchen section of the Civil Hospital from the Paraplegia Department should be declared to be illegal.

From the affidavit filed on behalf of the respondents, it clearly transpires that there are several hospitals in the Civil Hospital complex, including the Civil Hospital. These are Paraplegia hospital, Dental Hospital, Cancer Institute, Kidney Institute, Ophthalmological Institute etc. There are facilities for treating indoor patients in these hospitals and institutes and all such indoor patients are supplied food as per the advice of the doctors and dietitians. There is a common kitchen housed in the Civil Hospital for all these hospitals which caters to the needs of about 2000 indoor patients daily. The services of such employees are required for keeping the kitchen and stores clean. It was therefore, decided that each of the hospitals and institutes availing of the facilities of the Civil Hospital kitchen should depute two Class IV servants to the Civil Hospital kitchen. Accordingly, Paraplegia hospital was also required to send two staff members to the kitchen section of the Civil Hospital. The petitioner alongwith another person were deputed to work in the kitchen section, under the impugned order. It is clear that since there was a common kitchen catering to the indoor patients of various hospitals including the Paraplegia hospital, these hospitals were obliged to provide their staff for their own benefit and purpose. The arrangement of sending two Class IV employees for cleaning and sweeping the kitchen and the stores was made for the convenience of the Paraplegia hospital of getting food for the inmates of that hospital. It was within the domain of the Paraplegia hospital to make such arrangement for its own convenience by deputing its employees to work in the common kitchen. Therefore, this is not a case where the arrangement can be described as any deputation to some outside institution. There is no allegation that any service conditions of the petitioner were changed by this internal arrangement of requiring the petitioner to work in the common kitchen. The petitioner has therefore, failed to make out any ground for interference against the impugned order, and the petition is rejected. Rule is discharged with no order as to costs.

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